

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE**, on March 21, 2001
at 3:30 P.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Sen. William Crismore, Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Bill Tash (R)
Sen. Mike Taylor (R)
Sen. Ken Toole (D)

Members Excused: Sen. Dale Mahlum, Vice Chairman (R)

Members Absent: None.

Staff Present: Melissa Rasmussen, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJ 29, 3/12/2001
HB 159, 3/12/2001
HJ 10, 3/12/2001

Executive Action: HJ 29

HEARING ON HJ 29

Sponsor: REP. EILEEN CARNEY, HD 82, Libby

Proponents: Les Ramsond, Self
 Bonnie Gestring, MEIC
 Colleen Murphy, MT-NASW
 Matthew Leow, MT Public Interest Research Group
 Darrell Holzer, AFL-CIO

Opening Statement by Sponsor:

REP. EILEEN CARNEY, HD 82, Libby, charged that the resolution addresses the asbestos issue in Libby. She gave examples and statistics of people who have been affected by asbestos. Many of them suffer from untreatable illnesses. She declared that Libby is a living laboratory where people could study asbestos and it's effects. There is currently not enough information to establish a national standard. The resolution asks for federal funds to conduct future studies. She claimed that the study would not only be beneficial for the residence of Montana, but for the world.

Proponents' Testimony:

Les Ramsond, Representing himself, informed the committee he is an old miner who suffers from asbestosis, a fatal illness. He charged that the problem continues. Everyday someone is diagnosed with an asbestos related illness. He added that mining can be done cleanly. The people of Libby did not know what the risks of working near asbestos were. He urged the committee to vote for the resolution, and prevent future problems.

Bonnie Gestring, MEIC, told the committee the ATSDR screened over 6,000 individuals in Libby. They found out of 1,000 people screened 30% have lung abnormalities. Many individuals were exposed by working at the mine, the rest through non-occupational means. She charged that the statistics show the need for air quality standards. Work place air quality standards are not acceptable because they do not apply outside of the workplace. She stated the current standards are based on old technology. She submitted a copy of asbestos scenarios **EXHIBIT (nas64a01)**. She claimed that a task force is needed to use new technology and information to develop a nationwide standard. The asbestos study is the largest study ever conducted by the EPA. Asbestos is not an isolated issue. The EPA and the state have evaluated the issue. She informed the committee that currently 19 million dollars has been spent on the study, and they need to spend more.

Hundreds of people have died and are dying in Libby due to the lack of asbestos standards.

Colleen Murphy, MT-NASW, spoke in favor of the bill and submitted written testimony **EXHIBIT (nas64a02)**. She informed the committee that Libby is a technological disaster, it could have been prevented or mitigated. She was involved in setting up support groups in Libby. She charged that it is Montana's responsibility to make sure this kind of thing does not happen again.

Matthew Leow, MT Public Interest Research Group, charged that the resolution is necessary because asbestos is still a threat. Nothing has changed to prevent this from happening again. He claimed there is still vermiculite on store shelves. He stated it is important to think about the future. The EPA standards will not prevent this from happening again.

Darrell Holzer, AFL-CIO, informed the committee that they represented the workers at the W.R. Grace Mine. The resolution gave Montana the opportunity to take the lead in solving a world wide problem.

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He professed that people did not realize the consequences of asbestos. Montana has an obligation to do something about this problem.

Questions from Committee Members and Responses:

SEN. LORENTS GROSFIELD inquired about the statistics on exhibit 1. He questioned if the numbers were typical across the country or isolated to Libby. **Ms Gestring** informed him it was the national average. **SEN. GROSFIELD** wondered what goes into figuring the difference between a well maintained and a poorly maintained building. **Ms Gestring** confessed she did not know. She offered the information associated with the table. She assumed it had to do with installations around fixtures. **SEN. GROSFIELD** asked if she knew anything about fibers per CC contributing to cancer. **Ms Gestring** declared there are no standards that have been developed that identify a safe standard of asbestos. Most of the standards are based on a health risk assessment. **SEN. GROSFIELD** stated that he understood what she was saying. He wondered because the standards she provided were different than normal. **Ms Gestring** stated the numbers illustrate well the need for new technology.

Closing by Sponsor:

REP. CARNEY accused W.R. Grace of refusing to protect their workers.

EXECUTIVE ACTION ON HJ 29

Motion: **SEN. MCCARTHY** moved that **HJ 29 BE CONCURRED IN.**

Discussion:

SEN. GROSFIELD commented that taking care of the problem is the responsible thing to do.

Motion/Vote: Motion carried 6-0.

HEARING ON HB 159

Sponsor: **REP. STEVE VICK, HD 31, Belgrade**

Proponents: **John Tubbs, DNRC**
Sherrel Rhys, Jefferson County

Opening Statement by Sponsor:

REP. STEVE VICK, HD 31, Belgrade, declared the purpose of the bill is to authorize loans to compost facilities under the pollution controlled state revolving funds. He stated that the fund provides low interest financing for pollution control projects. Local government is working with trustees to manage the investments of the revolving fund. He stated the bill would include removing garbage from within West Yellowstone. He offered that the savings from the reduced tipping fees at the Gallatin County landfill are larger than the debt service on the issued bonds. Using the SRF allows the savings to be even greater. The bill would save tax money by funding an important part of pollution control. He claimed that composting waste material before it gets into a landfill is more affordable and saves landfill space. He directed the committee's attention to the changed language on page two, lines 12-14.

Proponents' Testimony:

John Tubbs, DNRC, maintained that the program is broadened to accept compost facilities. The SRF program grants loans to private individuals. He proclaimed that the department is able to handle the load of the loan program. Already the state has saved over \$500,000 in Gallatin County.

Sherrel Rhys, Jefferson County, contributed that the bill not only addresses compost municipal solid waste, but yard waste as well. The program would help eliminate pollution.

Questions from Committee Members and Responses:

SEN. VICKI COCCHIARELLA asked **Mr. Tubbs** to address the concerns brought up by **Ms. Vandenbosch EXHIBIT(nas64a03)**. **Mr. Tubbs** stated HB 334 opens the door wide open, HB 159 is more narrow.

SEN. MIKE TAYLOR asked **REP. VICK** which bill he would prefer. **REP. VICK** declared he wanted HB 159. He was not familiar with HB 334.

Closing by Sponsor:

REP. VICK handed out a facts sheet on HB 159 **EXHIBIT(nas64a04)**. He informed the committee that 70% of waste can be used as compost.

HEARING ON HJ 10

Sponsor: **REP. STEVE VICK, HD 31, Belgrade**

Proponents: **Fay Lesmeister, MT Snowmobile Association**
Bob Bushnell, MT Snowmobile Association
Jaci Brand, Self
Stuart Doggett, MT Inn Keepers
Mark Simonich, Commerce/Governor Martz
Don Allen, WETA
Amy Sullivan, MT Tourism Coalition
Riley Johnson, NFIB
Carl Schweitzer, Bozeman Chamber
SEN. DON HARGROVE, SD 16, Belgrade
Ken Hoovestol, MT Snowmobile Association

Opponents: **Geoffrey Suttle, Self**
Hope Sieck, Greater Yellowstone Coalition, West
Yellowstone Citizens for a Healthy Park

Opening Statement by Sponsor:

REP. STEVE VICK, HD 31, Belgrade, declared the point of the resolution is to urge the National Parks to withdraw the ruling to eliminate snowmobiling in Yellowstone National Park. He reported West Yellowstone has worked hard to create a year round tourist industry.

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He offered the resolution sends an important message. The ruling is based on old ideas that snowmobiles are heavy polluters. He stated snowmobiles now run cleaner and more efficient.

Proponents' Testimony:

Fay Lesmeister, MT Snowmobile Association, spoke in favor of the bill and submitted written testimony **EXHIBIT (nas64a05)**.

Bob Bushnell, MT Snowmobile Association, stated he takes a group to Yellowstone every year. He urged the committee to support the bill.

Jaci Brand, Representing herself, told the committee she is 14 years old and has been waiting her whole life to ride her own snowmobile in Yellowstone National Park. She is a Junior Snowmobile Safety Instructor. She urged the committee to support the bill.

Stuart Doggett, MT Inn Keepers, accused the ruling of being short-sighted due to the lack of knowledge regarding cleaner running snowmobiles.

Mark Simonich, Commerce/Governor Martz, spoke in favor of the bill and submitted written testimony **EXHIBIT (nas64a06)**.

Don Allen, WETA, charged that much of their membership is made up of snowmobilers. He judged the ruling as an example of the federal government ignoring the desires of local government. He stressed the importance of sending the federal government a message about what is important in the state.

Amy Sullivan, MT Tourism Coalition, affirmed the positive impact snowmobiling has on the economy.

Riley Johnson, NFIB, spoke in favor to the bill. He warned how detrimental the lack of tourism would be to small business.

Carl Schweitzer, Bozeman Chamber, charged the bill is important to business.

SEN. DON HARGROVE, SD 16, Belgrade, informed the committee of the numerous public meetings held on behalf of the ruling. He stated the decision was made, then the data was collected. He claimed that science was not involved in the study, important factors were left out. He asserted that snowmobiling is a \$44 million

industry for the state. He urged the committee to not deny the unique outdoor experience.

Ken Hoovestol, MT Snowmobile Association, stated snowmobiles are the most common form of transportation in Yellowstone during the winter. The proposed snow coaches could not handle the load of visitors.

Opponents' Testimony:

Geoffrey Suttle, Representing himself, spoke in opposition to the bill and submitted written testimony and letters of opposition from other concerned citizens **EXHIBIT (nas64a07)**.

Hope Sieck, Greater Yellowstone Coalition, West Yellowstone Citizens for a Healthy Park, spoke in opposition to the bill and submitted a packet of information containing photographs, statements from local business, testimony from **Douglas Edgerton, Councilman, Town of West Yellowstone**, a petition in opposition to the bill from West Yellowstone town members and letters from Citizens for a Healthy Park **EXHIBIT (nas64a08)**. She declared the study done by the EPA was conducted using thorough science. The EPA encouraged the park to take necessary steps in order to protect the park. She claimed under the scope of federal law there was no other alternative. She stated that according to public opinion 4-1 were in favor of preserving the park's resources. She charged that the ruling will not change access to the park. Snow coaches will provide adequate transportation for the park. She argued snowmobiles cause injury and destroy park roads and trails. She declared that the park is looking into leasing snow coaches with small businesses.

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She declared it is important to move forward with the use of snow coaches. Getting involved early will help with the transition.

Questions from Committee Members and Responses:

SEN. MCCARTHY asked for clarification regarding a transit system in the park. **Ms Sieck** informed her it referred to snow coaches.

SEN. MCCARTHY asked where the coalition was located and who provided funding for the organization. **Ms Sieck** told her they are a non-profit organization located in Bozeman.

SEN. BILL TASH asked who would fund the snow coach program. **Ms Sieck** told him they can get transportation dollars from the Department of Conservation and other potential departments. She gave examples of mass transit summer programs. **SEN. TASH** asked

if that pertained to winter transportation. **Ms Sieck** informed him a winter mass transit system has never been done.

SEN. KEN TOOLE question how the data was acquired in lines 26 and 30. **Mr. Hoovistol** said the study was conducted by the University of Montana. **SEN. TOOLE** asked if the numbers were based on an assumption that the number of winter visitors would decline. **Mr. Hoovistol** stated the numbers were based on how many people could be transported by a snow coach and how often. The assumption is snow coaches cannot transport as many people as snowmobiles. **SEN. TOOLE** wondered if the study was based on the assumption that people would not take advantage of snow coaches. He stated that the data indicated people would not come to the park if they could not snowmobile. **SEN. TOOLE** questioned if the data only reflected the opinions of snowmobilers. **Mr. Hoovistol** replied yes. **SEN. TOOLE** asked if he agreed with the opinion that snow coaches would eventually bring in more people. **Mr. Hoovistol** argued it was physically impossible.

SEN. TOOLE expressed his concern that the data may not be accurate. He questioned if **REP. VICK** would want the committee to fix it. **REP. VICK** declared he would like the data to be accurate. **SEN. TOOLE** expressed his concern that the resolution ignored public comment and only listened to the opinions of snowmobilers. **REP. VICK** declared that everyone has a right to voice their opinions because it is a national park. However, most of the time those people do not get enough data, therefore they cannot make an accurate decision.

SEN. TOOLE questioned if park attendance declined in national parks that use mass transit systems. **Ms Sieck** declared that the Zion Park visitation increased. She added that there is still speculation about snowmobile emissions.

Closing by Sponsor:

REP. VICK declared that there is nothing now that precludes Yellowstone from using the snow coach system. He commented on the arguments that transitions are tough. He claimed it would be harder on the community of West Yellowstone if they said, "transitions are tough deal with it". He charged that the issue is allowing the EPA to use data for old snowmobile technology and then make a decision based on that data. He stated it is only fair to give the industry a chance to produce cleaner snowmobiles before making a decision.

ADJOURNMENT

Adjournment: 5:15 P.M.

SEN. WILLIAM CRISMORE, Chairman

MELISSA RASMUSSEN, Secretary

WC/MR

EXHIBIT (nas64aad)